

RESOLUTION NO.

Q-37-94

A RESOLUTION AUTHORIZING AN EXTENSION OF THE TERM OF THE FRANCHISE GRANTED TO COMCAST CABLEVISION OF INDIANA, L.P. TO OPERATE A CABLE COMMUNICATIONS SYSTEM.

WHEREAS, pursuant to Resolution R-71-93 attached hereto as Exhibit "A," the Common Council of the City of Fort Wayne authorized the Fort Wayne Board of Public Works to extend the term of the franchise granted to Comcast Cablevision of Indiana, L.P. up to June 19, 1994; and

WHEREAS, the Franchise expired on or about December 19, 1993, leaving both Comcast and the City without an effective cable communications franchise unless the Franchise is extended; and

WHEREAS, the City has received timely notice from Comcast of its intent to renew the Franchise; and

WHEREAS, the City, through its Board of Public Works, has adopted Resolution 81-88-16 extending the term of the Franchise up to August 19, 1994, to allow time to complete a Franchise renewal process.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Resolution 81-88-16 of the Fort Wayne Board of Public Works, attached hereto as Exhibit "B," extending the term of the franchise granted to Comcast Cablevision of Indiana, L.P, up to August 19, 1994, is hereby approved, ratified, and confirmed.

1 SECTION 2. That this Ordinance shall be in
2 full force and effect from and after its passage and any
3 and all necessary approval by the Mayor.

4 
5 Council Member
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7 APPROVED AS TO FORM
8 AND LEGALITY

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10 J. TIMOTHY McCAULAY, CITY ATTORNEY
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Read the first time in full and on motion by Lunsey,
seconded by , and duly adopted, read the second time by ,
title and referred to the Committee on (and the
City Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Common Council Conference Room 128, City-County
Building, Fort Wayne, Indiana, on , the , day
of , 19 , at o'clock M., E.S.T.

DATED: 6-14-94

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Schmidt,
seconded by , and duly adopted, placed on its passage.
PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>EDMONDS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>LONG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>LUNSEY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>RAVINE</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

DATED: 6-28-94.

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. Q-27-94
on the 28th day of June, 1994

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Cletus R Edmonds
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 29th day of June, 1994,
at the hour of 12:00 o'clock P., M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 30th day of June,
1994, at the hour of 12:30 o'clock P., M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

BILL NO. R-93-11-18

RESOLUTION NO. R-71-93

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3 A RESOLUTION AUTHORIZING AN
4 EXTENSION OF THE TERM OF THE
5 FRANCHISE GRANTED TO COMCAST
6 CABLEVISION OF INDIANA, L.P. TO
7 OPERATE A CABLE COMMUNICATIONS
8 SYSTEM.

9 WHEREAS, pursuant to Resolution R-21-93,
10 attached hereto as Exhibit "A," the Common Council of the
11 City of Fort Wayne authorized the Fort Wayne Board of
12 Public Works to extend the term of the franchise granted
13 to Comcast Cablevision of Indiana, L.P. up to December
14 19, 1993; and

15 WHEREAS, the Franchise will expire on or about
16 December 19, 1993, leaving both Comcast and the City
17 without an effective cable communications franchise
18 unless the Franchise is extended; and

19 WHEREAS, the City has received timely notice
20 from Comcast of its intent to renew the Franchise; and

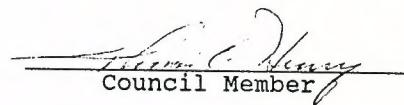
21 WHEREAS, the City, through its Board of Public
22 Works, has adopted Resolution 80-265-6 extending the term
23 of the Franchise up to June 19, 1994, to allow time to
24 complete a Franchise renewal process.

25 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON
26 COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

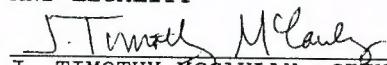
27 SECTION 1. That Resolution 80-265-6 of the
28 Fort Wayne Board of Public Works, attached hereto as
29 Exhibit "B," extending the term of the franchise granted
30 to Comcast Cablevision of Indiana, L.P., up to June 19,
31 1994, is hereby approved, ratified, and confirmed.

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1 SECTION 2. That this Ordinance shall be in
2 full force and effect from and after its passage and any
3 and all necessary approval by the Mayor.

4 
5 Council Member

6 APPROVED AS TO FORM
7 AND LEGALITY

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9 J. TIMOTHY McCAULAY, CITY ATTORNEY

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A RESOLUTION of the City of Fort Wayne Board of Public Works authorizing an extension of the term of the franchise granted to Comcast Cablevision of Indiana, L.P. to operate a cable communications system in the City of Fort Wayne, Indiana.

Resolution No. 81-88-16

WHEREAS, on or about July 19, 1978, the City of Fort Wayne, Indiana (the "City") awarded a cable television franchise ("Franchise") to Citizens Cable of Fort Wayne, Indiana, which was subsequently transferred to Comcast Cablevision of Indiana, L.P. ("Comcast") for a term of 15 years; and

WHEREAS, the City and Comcast began discussions on renewing the Franchise in 1993; and

WHEREAS, the City has twice extended the Franchise to accommodate the ongoing Franchise Renewal negotiations; and

WHEREAS, the most recent Franchise extension, approved by Board of Public Works Resolution 80-265-6, expires June 19, 1994; and

WHEREAS, the City and Comcast desire to extend the term of the Franchise to allow time to complete the renewal process; and

WHEREAS, the City acknowledges that Comcast will not, by virtue of accepting an extension of the Franchise term, waive any of its renewal rights under Section 626(a) through Section 626(g) of the Cable Communications Policy Act of 1984, as amended;

NOW, THEREFORE, the Board of Public Works hereby resolves that:

1. Comcast is authorized to operate the cable television system in Fort Wayne, in full compliance with all of the terms and conditions of the Franchise, for a period commencing on the expiration date of the Franchise as previously extended (June 19, 1994), and continuing through either the date on which the Franchise is renewed, or August 19, 1994, whichever shall first occur;
2. During said period, the City and Comcast shall have all of the rights and obligations of "City" and "Grantee", respectively, under the Franchise;
3. During said period, the City and Comcast shall work together in good faith to renew the Franchise;

4. This Resolution shall become effective upon the occurrence of the following conditions: 1) Adoption by the Fort Wayne Board of Public Works; 2) Adoption by the Fort Wayne Common Council; 3) Comcast's acceptance of the extension of the Franchise as provided in this Resolution for the term specified in paragraph (1) above, provided Comcast accepts the Extension within seven (7) days from the date this Resolution is adopted by the Fort Wayne Common Council.

Adopted by the Board of Public Works this 8th day of June, 1994.

BOARD OF PUBLIC WORKS

Charles E. Layton, Chairman

Katherine A. Carrier
Katherine A. Carrier, Member

C. James Owen
C. James Owen, Member

ATTEST:

Thelma A. Morris
Thelma A. Morris, Clerk Pro tem



The City of Fort Wayne

Paul Helmke, Mayor

94-06-05

DATE: June 9, 1994

TO: Fort Wayne Common Council

FROM: David Hawk, Esq.
Cable Franchise Advisory Committee

SUBJECT: Comcast contract extension request

Q-94-06-05

In April, 1993, the Fort Wayne Common Council extended the franchise contract between the City of Fort Wayne and Comcast Cablevision of Indiana L.P. by five months, to expire on December 19, 1993. The purpose of that extension was to allow the City time to continue its informal process of renewing the franchise contract with Comcast.

The City issued its "Request for Proposal" for the franchise renewal on August 27, 1993, which requested that Comcast submit its response within 45 days. Comcast asked for an extension of that time, and the City gave the company until November 1, 1993, to submit its application.

The Cable Franchise Advisory Committee was confident that a final agreement could be reached between November 1 and the December 19, 1993, expiration of the Comcast franchise contract. However, the application/response submitted by Comcast on November 1, 1993, did not address most of the issues that must be included in a new franchise agreement.

At that time, in order to continue negotiations, the administration asked the Board of Public Works and City Council to approve a six-month extension of the Comcast franchise contract. Approval was granted, extending the franchise to June 19, 1994.

Since that time, negotiations have continued. The City negotiating team (David Hawk, David Long and Steven Fortriede, along with consultant Adrian Herbst), have come to agreement with Comcast on several issues. It is the Committee's belief that an additional sixty days will give the City time to determine if it will be able to come to a new franchise agreement with Comcast, or if the City should seek a new direction for cable television services in Fort Wayne.



Therefore, in order to guarantee additional time for the advisory committee and the Mayor to reach the best possible franchise agreement for the citizens of Fort Wayne, City Council is being asked to approve a two-month extension of the Comcast franchise contract. The new date for the current franchise contract to expire will be August 19, 1994, if Council approves this extension.

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS

SYNOPSIS OF ORDINANCE AUTHORIZES COMCAST TO OPERATE THE CABLE TELEVISION SYSTEM IN FORT WAYNE THROUGH EITHER THE DATE ON WHICH THE FRANCHISE IS RENEWED OR AUGUST 19, 1994; WHICHEVER OCCURS FIRST.

EFFECT OF PASSAGE ALLOWS COMCAST TO OPERATE THE CABLE TELEVISION SYSTEM IN FORT WAYNE UNTIL FRANCHISE IS RENEWED.

EFFECT OF NON-PASSAGE LEAVES THE CITY WITHOUT A CABLE COMMUNICATIONS FRANCHISE.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)

ASSIGNED TO COMMITTEE (PRESIDENT)

BILL NO. R-94-06-05

Held June 28

REPORT OF THE COMMITTEE ON
FINANCE

CLETUS R. EDMONDS - DONALD J. SCHMIDT - CO-CHAIR
ARCHIE L. LUNSEY
DAVID C. LONG

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) Authorizing an extension
of the term of the franchise granted to Comcast Cablevision of Indiana, L.P.
to operate a cable communications system.

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

John Edmonds
David Long

DATED: 6-28-94.

Sandra E. Kennedy
City Clerk